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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/497,474

02/04/2000

Kazuyuki Kazami

105356

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02/08/2005

OLIFF & BERRIDGE, PLC

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ALEXANDRIA, VA 22320

EXAMINER

HENN, TIMOTHY J

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/497,474	<b>Applicant(s)</b> KAZAMI, KAZUYUKI	
	<b>Examiner</b> Timothy J Henn	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2 and 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US 6,020,920).

#### **[claim 1]**

Regarding claim 1, Anderson discloses an electronic camera comprising: an image capturing device that performs photoelectric conversion on a subject image formed by a photographic optical system and outputs image data (Figure 2, Item 224); an image display device that displays an image based upon image data (Figure 3, Item 402); a first storage device achieving a first access speed and storing image data output from the image capturing device (Figure 3, Item 346; c. 5, ll. 34-59); a second storage device achieving a second access speed lower than the first access speed (c. 12, ll. 50-

53; The examiner notes that for a caching system as described by Anderson to be beneficial if the speed of the removable media 354 is a hindrance as described, the access speed of the DRAM 346 must be faster) and storing image data output from the first storage device (c. 9, ll. 30-42); the first storage device storing or "holding" the image data output from the image capturing device even after the image data has been output from the first storage device to the second storage device (e.g. Figures 13-15; The examiner notes that as currently written, the claim does not require the data to be maintained without deletion in the first storage device. During the reproduction mode of Anderson, the image data is read out from the second storage device to the first storage device DRAM 346 (i.e. stored or held in the first storage device) for decompression and display. This inherently occurs "after the image data has been output from the first storage device to the second storage device" as claimed); and a control device that makes a decision as to whether or not image data for display are present in the first storage device when an image reproduction mode for display an image based upon the image data at the image display device is set (Figures 13-15; c. 14, l. 22 - c. 17, l. 4), displays at the image display device an image based upon image data read from the first storage device if the image data for display are present in the first storage device (Figure 15, Step 942), and displays at the image display device an image based upon image data read from the second storage device if the image data for display are not present in the first storage device (Figure 15, Steps 944 and 946).

**[claim 2]**

Regarding claim 2, the first storage device (DRAM 346) of Anderson is a volatile storage device and the second storage device (removable memory 354) is a non-volatile storage device (c.4, l. 67 - c. 5, l. 3).

**[claim 6]**

Regarding claim 6, Anderson discloses an electronic camera comprising: an image capturing device that performs photoelectric conversion on a subject image formed by a photographic optical system and outputs image data (Figure 2, Item 224); an image display device that displays an image based upon image data (Figure 3, Item 402); a temporary storage device that temporarily stores image data output from the image capturing device (Figure 3, Item 346; c. 5, ll. 34-59); an image storage device that stores image data output from the first storage device (c. 9, ll. 30-42) and holds the data even when power to the image processing apparatus is turned off (c. 4, l. 67 - c. 5, l. 3); the temporary storage device storing or "holding" the image data output from the image capturing device even after the image data has been output from the temporary storage device to the image storage device (e.g. Figures 13-15; The examiner notes that as currently written, the claim does not require the data to be maintained without deletion in the first storage device. During the reproduction mode of Anderson, the image data is read out from the second storage device to the temporary storage device DRAM 346 (i.e. stored or held in the temporary storage device) for decompression and display. This inherently occurs "after the image data has been output from the first storage device to the second storage device" as claimed); a reproduction mode setting device that sets a reproduction mode for displaying an image based upon image data

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stored in the image storage device at the image display device (c. 7, ll. 5-32) and a control device that makes a decision as to whether or not image data for display are present in the temporary storage device when an image reproduction mode for display an image based upon the image data at the image display device is set (Figures 13-15; c. 14, l. 22 - c. 17, l. 4), displays at the image display device an image based upon image data read from the temporary storage device if the image data for display are present in the temporary storage device (Figure 15, Step 942), and displays at the image display device an image based upon image data read from the image storage device if the image data for display are not present in the image storage device (Figure 15, Steps 944 and 946).

**[claim 7]**

Regarding claim 7, the examiner notes that for a caching system as described by Anderson to be beneficial if the speed of the removable media 354 is a hindrance as described, the access speed of the DRAM 346 must be faster (i.e. the access time must be lower).

**[claim 8]**

Regarding claim 8, the first storage device of Anderson holds the image data output from the image capturing device to be overwritten (Figures 14A-14B; c. 15, ll. 18-41; c. 15, l. 63 - c. 16, l. 17). As the user scrolls through the stored images, the images in the first storage device of Anderson will be overwritten to make room for new images.

**[claim 9]**

Regarding claim 9, the first storage device overwrites oldest image data with most recent image data when the first storage device has become full for storing image data (Figure 14A, c. 15, ll. 18-29). As the user scrolls in one direction as described oldest image data (i.e. data which was written to the speculation buffers 850 at the oldest time) will be overwritten by new data (i.e. most recent data) as required.

**[claim 10]**

Regarding claim 10, the temporary storage device of Anderson holds the image data output from the image capturing device to be overwritten (Figures 14A-14B; c. 15, ll. 18-41; c. 15, l. 63 - c. 16, l. 17). As the user scrolls through the stored images, the images in the temporary storage device of Anderson will be overwritten to make room for new images.

**[claim 11]**

Regarding claim 11, the temporary storage device overwrites oldest image data with most recent image data when the temporary storage device has become full for storing image data (Figure 14A, c. 15, ll. 18-29). As the user scrolls in one direction as described oldest image data (i.e. data which was written to the speculation buffers 850 at the oldest time) will be overwritten by new data (i.e. most recent data) as required.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327 or (571) 272-7310 after 28 February 2005. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

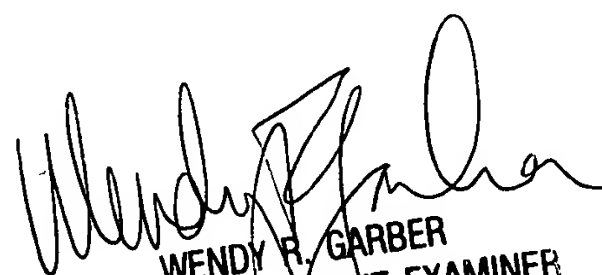
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
2/2/2005

  
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